

STATE OF MICHIGAN  
COURT OF APPEALS

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*In re* BALDWIN/BALDWIN-MORSE, Minors.

UNPUBLISHED  
December 18, 2014

No. 321654  
Bay Circuit Court  
Family Division  
LC No. 12-011087-NA

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Before: M. J. KELLY, P.J., and CAVANAGH and METER, JJ.

PER CURIAM.

Respondent-mother appeals as of right the April 28, 2014 order terminating her parental rights to the minor children RB and TBM under MCL 712A.19b(3)(c)(i) (conditions of adjudication continue to exist) and (g) (failure to provide proper care and custody). We affirm.

Respondent argues that the trial court erroneously found statutory grounds to terminate her parental rights to the minor children. “In order to terminate parental rights, the trial court must find by clear and convincing evidence that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met.” *In re VanDalen*, 293 Mich App 120, 139; 809 NW2d 412 (2011). “We review the trial court’s determination for clear error.” *Id.*

We find that the trial court properly terminated respondent’s parental rights pursuant to MCL 712A.19b(3)(c)(i). MCL 712A.19b(3)(c)(i) provides that termination is proper where “[t]he parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court . . . finds . . . [t]he conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child[ren]’s age.” Termination is proper under MCL 712A.19b(3)(c)(i) where “the totality of the evidence amply support[ed] that [the respondent] had not accomplished any meaningful change in the conditions” that led to adjudication. *In re Williams*, 286 Mich App 253, 272; 779 NW2d 286 (2009). Here, the record establishes that “182 or more days” had “elapsed since the issuance of an initial dispositional order.” See MCL 712A.19b(3)(c)(i). The conditions that led to adjudication were respondent’s poor parenting skills and medical neglect of TBM.

When RB entered care in March 2012, she was aggressive, screamed, and made herself vomit. Respondent was provided services to address her parenting skills, but she continued to lack parenting skills in October, November, and December 2012. In March 2013, RB began attending counseling with Michelle Hugo and began to improve after she was provided consistency and structure. In April 2013, respondent, who was then pregnant with MBS,

engaged in domestic violence with MBS's father. In June 2013, respondent began meeting with Hugo and attending therapy with RB. In June 2013, a petition for termination of respondent's parental rights was filed, but the termination hearing was delayed because respondent was in the hospital due to difficulties with her pregnancy. It was again delayed after MBS was born in August 2013 because of his medical issues.

In November 2013, TBM began attending therapy with respondent. In January 2014, respondent took all three children to and from an appointment by bus even though MBS was medically fragile, TBM and RB were not wearing boots, and it was "extremely cold outside." In January 2014, respondent did not demonstrate appropriate parenting skills in the lobby after the therapy session with Hugo and took out her frustration on TBM and RB. Hugo discontinued the children's therapy with respondent in January 2014 because she was concerned for TBM and RB. In January 2014, respondent was able to demonstrate basic parenting skills in the 45-minute therapy sessions, but she lacked knowledge concerning child development and blamed the children when they were unable to perform tasks that were beyond their level of understanding. Hugo did not believe that respondent would be able to manage the special needs of all three children on her own; and, in February 2014, TBM and RB physically harmed each other after respondent left them in the care of her grandmother for only a few minutes. Respondent requested assistance with transporting TBM and RB from parenting time visits because it was "too hard" for respondent to prepare all three children to leave the house. TBM and RB's emotional and behavioral issues became worse as the proceeding continued. At the time of termination, respondent lived in a family member's home with five other people and multiple dogs. She shared a crowded room with MBS and was unable to provide the stability that TBM and RB required. Respondent lacked the ability to provide for TBM and RB's developmental and emotional needs at the time of termination.

With respect to issues concerning medical neglect, when TBM entered care, she had a "huge rash" and a cough. She continued to have medical issues and had a chronic ear problem during the proceeding that required putting tubes in her ears on two separate occasions. Respondent did not attend the first procedure to insert the tubes. When asked to consent to the second procedure, respondent signed the form, but indicated that it was under duress; the form was rejected by the hospital as a result and had to be executed for a second time. At the termination hearing, respondent blamed TBM's ear issues on the fact that she was not properly cared for in foster care. When respondent was in the hospital because of issues with her pregnancy with MBS, she was unable to attend the children's medical appointments. In September 2013, respondent missed two medical appointments because she failed to wake up on time and reportedly had difficulty attending appointments on Mondays. After MBS was released from the hospital in October 2013, respondent missed more medical appointments because she was attending to MBS's needs. Respondent also had issues with the tires on her vehicle a short period of time before termination and alleged that she was unable to transport the children after parenting time, thus supporting that respondent would have difficulty transporting the RB and TBM to medical appointments if they were returned to her care. "[T]he totality of the evidence amply supports" that respondent "had not accomplished any meaningful change" in the conditions that led to adjudication. *In re Williams*, 286 Mich App at 272.

Further, there is no indication on the record that respondent would rectify the conditions within a reasonable time considering the ages of the children. See MCL 712A.19b(3)(c)(i). The

proceeding had lasted for over 25 months, and respondent failed to sufficiently improve despite having been provided with a multitude of services. Respondent lacked basic necessities such as employment and independent housing and had to provide MBS with a great deal of care. At the time of termination, RB was 4-1/2 years old, TBM was 2-1/2 years old, and they required permanency. The trial court's finding that termination of respondent's parental rights was proper pursuant to MCL 712A.19b(3)(c)(i) does not leave us with a definite and firm conviction that a mistake has been made. See *In re HRC*, 286 Mich App 444, 459; 781 NW2d 105 (2009). Because we have concluded that one ground for termination existed, we will not specifically consider the additional ground upon which the trial court based its decision. See *id.* at 461.

Respondent next argues that the trial court clearly erred when making its best-interests determination. "Once a statutory ground for termination has been proven, the trial court must find that termination is in the child[ren]'s best interests before it can terminate parental rights." *In re Olive/Metts*, 297 Mich App 35, 40; 823 NW2d 144 (2012). We review a trial court's finding that termination is in the children's best interests for clear error. *In re HRC*, 286 Mich App at 459.

"In deciding whether termination is in the child[ren]'s best interests, the court may consider the child[ren]'s bond to the parent, the parent's parenting ability, the child[ren]'s need for permanency, stability, and finality, and the advantages of a foster home over the parent's home." *In re Olive/Metts*, 297 Mich App at 41-42 (internal citations omitted). It is also appropriate to consider whether the children are safe with the respondent, thriving in foster care, and whether the foster care home could provide stability and permanency. *In re VanDalen*, 293 Mich App at 141.

Although RB and TBM were bonded to respondent, the record does not support that she was able to care for them properly. TBM was removed from respondent's care when she was four months old, and RB was removed from respondent's care when she was 1-1/2 years old. At the time of termination, they had spent 25 months in the care of their foster parents and did not know if respondent or the foster parent was their mother. The children were behaving aggressively and wetting their pants at the time of termination. Hugo believed that the children needed to be placed in one home, where they had a simplistic routine that was consistent. The record does not support that respondent was able to provide stability at the time of termination given that she lacked employment, had continued contact with MBS's father, and continued to live in a crowded home with MBS. Although respondent argues that the home was deemed adequate, the record establishes that residing in a small, cramped space would not be conducive to the children's emotional growth and ability to be active. Additionally, respondent would not have been able to care for the medical issues of all three children if RB and TBM were returned to her.

At the time of termination, the children continued to be placed with the foster parents, who were willing to adopt the children. The children were bonded to the foster parents and saw them as parental figures. The foster mother attended to the children's medical and emotional needs during the proceeding. Although the record supports that the children would experience grief and loss as a result of termination of respondent's parental rights, termination was necessary so that the children could achieve stability and permanency. See *In re LE*, 278 Mich App 1, 29-30; 747 NW2d 883 (2008). The trial court did not clearly err in finding that

termination of respondent's parental rights was in the children's best interests. See *In re HRC*, 286 Mich App at 459.

Affirmed.

/s/ Michael J. Kelly  
/s/ Mark J. Cavanagh  
/s/ Patrick M. Meter